

ORIGINAL

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(41)

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DIANNA LYNN HARRIS,
Plaintiff

No. 1:CV-01-0270
(Judge Kane)✓

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,
et al.,

Defendants

FILED
HARRISBURG, PA

JUL 12 2002

MARY E. D'AMOREA, CLERK
Per

**PLAINTIFF'S BRIEF RESPONDING TO DEFENDANT PENNSYLVANIA
BOARD OF PROBATION AND PAROLE'S MOTION TO DISMISS THE
COMPLAINT**

INTRODUCTION

Plaintiff, Dianna Lynn Harris, has sued the defendant, Pennsylvania Board of Probation and Parole, et al.,

COUNT ONE
PLAINTIFF v. DEFENDANTS
DISCRIMINATION ON THE BASIS OF DISABILITY

COUNT TWO
PLAINTIFF v. DEFENDANTS
DISCRIMINATION ON THE BASIS OF GENDER

COUNT THREE
PLAINTIFF v. DEFENDANTS
DISCRIMINATION ON THE BASIS OF AGE

COUNT FOUR
PLAINTIFF v. DEFENDANTS
RETALIATION

COUNT FIVE
PLAINTIFF v. DEFENDANTS
AIDING AND ABETTING THE COMMISSION OF DISCRIMINATORY
ACTS

COUNT SIX
PLAINTIFF v. DEFENDANTS
WRONGFUL TERMINATION

COUNT SEVEN
PLAINTIFF v. DEFENDANTS
DEPRIVATION OF CIVIL RIGHTS UNDER COLOR OF STATE LAW

COUNT EIGHT
PLAINTIFF v. DEFENDANTS
CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

COUNT NINE
PLAINTIFF v. DEFENDANTS
VIOLATION OF THE PENNSYLVANIA RIGHT TO KNOW ACT

COUNT TEN
PLAINTIFF v. DEFENDANTS
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

A. The Lapides Decision

Lapides v. Board of Regents of the University System of Georgia.

See National Railroad Passenger Corporation v. Morgan
Certiorari to the united states court of appeals for the ninth circuit
No. 00164. Argued January 9, 2002 Decided June 10, 2002

The Ninth Circuit reversed, holding that a plaintiff may sue on claims that would ordinarily be time barred so long as they either are sufficiently related to incidents that fall within the statutory period or are part of a systematic policy or practice of discrimination that took place, at least in part, within the period.

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CERTIFICATE OF SERVICE

I, Dianna Lynn Harris, hereby certify that on July 12, 2002, I served a true and correct copy of the Response to Motion to Dismiss Complaint by causing it to be deposited in the United States Mail, first-class postage prepaid to the following:

Lisa W. Basial, Deputy Attorney General
Office of the Attorney General of PA
15th Floor, Strawberry Square
Harrisburg, PA 17120

Dianna Lynn Harris
2329 Penn Street
Harrisburg, PA 17110


Dianna Lynn Harris
Plaintiff